

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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SCOT BRYON CADEAU,

Plaintiff,

v.

Case No. 22-cv-0505

KILOLO KIJAKAZI,  
Acting Commissioner for Social Security Administration,

Defendant.

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**ORDER**

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On April 27, 2022, Plaintiff Scot Byron Cadeau filed a complaint against the Acting Commissioner for Social Security Administration seeking review of an unfavorable final decision of the Commissioner under 42 U.S.C. §405(g) and/or 42 U.S.C. §1383(c)(3). Cadeau is appearing *pro se*. On September 26, 2022, Cadeau filed a document captioned “Brief for Judge Brett H. Ludwig and Summary of Case from Representative Karl R. Magnuson.” (ECF No. 14.) In this document, Cadeau submitted a May 6, 2014 brief prepared by Karl Magnuson, a non-attorney representative at the administrative level as well as other papers. Mr. Magnuson did not appear to be an attorney, had not made an appearance in this case, and according to Cadeau’s complaint, was deceased. On October 7, 2022, the Court struck Cadeau’s submission but noted that Cadeau was permitted to file his brief as set forth in the Order Establishing Appeal Procedure (ECF No. 9), which set October 17, 2022, as the deadline for plaintiff’s brief following the filing of the certified administrative record. (ECF No. 18.)

On October 7, 2022, the Court granted defendant’s motion for an extension of time to file and serve the certified administrative record by October 20, 2022 and re-set the briefing schedule. (ECF No. 19.) Accordingly, plaintiff’s brief was due by November 29, 2022. On November 30, 2022, the Court received an envelope from plaintiff, now located in San Jose, Costa Rica, but there were no documents in the envelope. The Court docketed the envelope as a change of address and noted “[n]o additional documents included.” (ECF No. 22.)

Per Fed. R. Civ. P. 41(b), if a plaintiff fails to prosecute his case, the Court may dismiss the action on a defendant's or its own motion. *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962). Here, Cadeau's brief should have been filed on or before November 29, 2022, but as of December 12, 2022, no such brief appears on the record. Therefore, to avoid dismissal for failure to prosecute, the Court will order Cadeau to file his brief on or before January 12, 2023. Failure to do so will result in involuntary dismissal under Rule 41(b).

**IT IS HEREBY ORDERED** that that to avoid involuntary dismissal under Fed. R. Civ. P. 41(b), Plaintiff must file his brief on or before January 12, 2023.

Dated at Milwaukee, Wisconsin on December 12, 2022.

s/ Brett H. Ludwig  
BRETT H. LUDWIG  
United States District Judge